

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0837RF-H476-US

In Re Application of:

Examiner: ZANELLI, MICHAEL J.

KENNETH E. BUILTA, ET AL.

300

Serial No: 10/575,223

100

Art Unit: 3661

Filed: 21 NOVEMBER 2007

10

Confirmation No.: 6931

For: CONTROL SYSTEM FOR VEHICLES

33

REQUEST FOR REFUND UNDER 37 CFR § 1.26(a)

Filed via EFS-Web

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Request for Refund is being filed in response to an erroneous \$300.00 charge on Deposit Account Number 502806. The undersigned hereby requests that a refund of \$300.00 be credited to **Deposit Account No. 502806**.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(B)
Date of Transmission: <u>3/16/11</u>
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via facsimile to the USPTO's Refund Branch on the date shown above.
By: <u><i>James E. Walton</i></u> James E. Walton

Our Deposit Account No. 502806 was erroneously charged for an examination fee under 37 C.F.R. § 1.492(c) in the amount of \$200.00 and charged for a search fee under 37 C.F.R. § 1.445(a)(2) for the amount of \$100.00 for a total charge of \$300.00. Attached hereto is a copy of the monthly statement of deposit account indicating a charge of \$200.00 posted on 1/7/11 and a charge of \$100.00 posted on 1/7/11.

The International Preliminary Report on Patentability for the present application states that all claims, Claims 1-36, of the present application meet the criteria set out in PCT Articles 33(2)-(4). Thus, no examination fee under 37 C.F.R. § 1.492(c) and search fee under 37 C.F.R. § 1.445(a)(2) should be required. Attached hereto is a copy of the International Preliminary Report on Patentability indicating that Claims 1-36 satisfy PCT Articles 33(2)-(4). See page 4.

Therefore, the undersigned hereby requests a refund of \$300.00 to be credited to Deposit Account Number 502806.

This Request for Refund is being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The undersigned hereby authorizes the Commissioner to credit **Deposit Account No. 502806** for \$300.00.

Respectfully submitted,

3/16/11
Date



James E. Walton
Reg. No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Voice)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANTS



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JAMES E WALTON
1169 N BURLESON BLVD
SUITE 107-328
BURLESON TX 76028

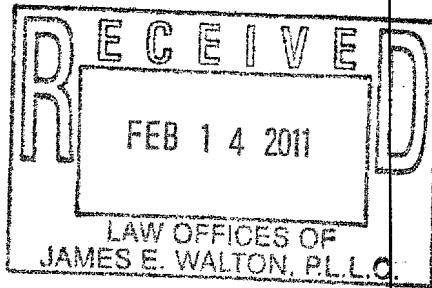
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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
JAMES E. WALTON
LAW OFFICES OF JAMES E. WALTON, P.L.L.C.
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year)

25 MAY 2005

Applicant's or agent's file reference

IMPORTANT NOTIFICATION

0837RF-H476P

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/09080

25 March 2004 (25.03.2004)

Applicant

BELL HELICOPTER TEXTRON INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US
Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

Eric M Gibson

Telephone No. (703) 308-1113

Form PCT/IPEA/416 (January 2004)

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0837RF-H476P	FOR FURTHER ACTION																									
	See Form PCT/IPEA/416																									
International application No. PCT/US04/09080	International filing date (<i>day/month/year</i>) 25 March 2004 (25.03.2004)	Priority date (<i>day/month/year</i>)																								
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 15/50; B64C 13/20 and US Cl.: 701/3,7,120,121,220,300,302; 244/75R,175,189,190																										
Applicant BELL HELICOPTER TEXTRON INC.																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table border="0" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																								
Date of submission of the demand 11 April 2005 (11.04.2005)	Date of completion of this report 02 May 2005 (02.05.2005)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	<p style="text-align: center;">Authorized officer</p> <p style="text-align: center;"> Eric M Gibson</p> <p style="text-align: center;">Telephone No. (703) 308-1113</p>																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/09080

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished
- the description:
pages 1-13 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- the claims:
pages 14-18 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* 19 and 20 received by this Authority on 11 April 2005 (11.04.2005)
pages* NONE received by this Authority on _____
- the drawings:
pages NONE as originally filed/furnished
pages* NONE received by this Authority on _____
pages* 1-5 received by this Authority on 11 April 2005 (11.04.2005)
- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to the sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITYInternational application No.
PCT/US04/09080**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N) Claims 1-36 YES
 Claims NONE NO

Inventive Step (IS) Claims 1-36 YES
 Claims NONE NO

Industrial Applicability (IA) Claims 1-36 YES
 Claims NONE NO

2. Citations and Explanations (Rule 70.7)

Please See Continuation Sheet

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/09080

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Claims 1-36 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the flight control system of the present invention wherein the relative velocity between a reference vehicle and an aircraft is commanded to a desired relative velocity, in order to keep the aircraft in a particular formation using the commanded relative velocity as claimed.

Claims 1-36 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.